

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: March 15, 2019

+ **CRL.M.C. 1424/2019 & CRL.M.A. 5693/2019**

DHARMENDER KUMAR & ORS.Petitioners

Through: Mr. Dileep Kr. Mishra and
Mr. Varun Kumar, Advocates.

versus

STATE & ANR.Respondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State with SI Anup Rana.
Respondent No. 2 in person and
injured-*Rameej Khan* in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of FIR No. 270/2013, under Sections 308/323/34 of IPC registered at police station Bindapur, Delhi is sought on the basis of Affidavit of 5th December, 2018 (*Annexure P-3*) and on the ground that the misunderstanding which led to registration of the FIR, now stands cleared between the parties.

Upon notice, learned Additional Public Prosecutor for respondent—State submits that respondent No.2, present in the Court, is first-informant/injured-*Saleem Khan* of the FIR in question and injured-*Rameej Khan*, son of *Umar Khan* is also present in the Court.

Respondent No.2-*Saleem Khan*, present in the Court, submits that the misunderstanding between the parties has been amicably resolved and

he affirms the contents of aforesaid Affidavit of 5th December, 2018 supporting this petition and submits that now no dispute with petitioners survives and so, to restore the cordiality amongst the parties, who are neighbours, the proceedings arising out of the FIR in question be brought to an end. Injured-Rameej Khan supports respondent No. 2 to seek quashing of this FIR.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR / criminal complaint, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice;”

In the facts and circumstances of this case, I find that continuance of proceedings arising out of the FIR in question would be an exercise in futility as the misunderstanding, which led to registration of the FIR, now stands cleared between the parties.

Accordingly, this petition is allowed subject to costs of ₹10,000/- to be deposited by petitioners with *Prime Minister's National Relief Fund*

within two weeks from today. Upon placing on record the receipt of cost and handing over its copy to Investigation Officer, FIR No. 270/2013, under Sections 308/323/34 of IPC registered at police station Bindapur, Delhi and the proceedings emanating therefrom shall stand quashed.

This petition and the application are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

MARCH 15, 2019

v

